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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,837	08/25/2003	Robert D. Foxwell	51449-00211	2888

30638 7590 05/05/2005

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EXAMINER

SPAHN, GAY

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,837	FOXWELL, ROBERT D.	
	Examiner	Art Unit	
	Gay Ann Spahn	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

While this application contains the necessary reference to the prior application (i.e., U.S. Patent Application Serial No. 10/113,961 in the first sentence of the specification, the current status of all nonprovisional parent applications referenced should be included. Thus, the examiner suggests amending the specification in the Cross-Reference to Related Applications section in the second line, after "filed 03/29/2002," to insert -- now U.S. Patent No. 6,637,975, issued on October 28, 2003,--.

Specification

The disclosure is objected to because of the following informalities:

(1) page 7, line 24, the word "lines" should be changed to --line-- because there in only one line 18-18; and

(2) page 18, line 21, the words "a the" at the beginning of the line appears to be a typographical error and the examiner suggests deleting the word "the".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf.

As to claim 1, Graf discloses a watercraft ramp comprising:

(i) a watercraft-supporting assembly (10) having a pair of rails (11) of substantial equal length on which the stress of a watercraft (19) moved onto the ramp is distributed, said rails (11) being braced in parallel laterally spaced-apart relationship by cross braces (14, 15) so that said rails (11) are separated from each other, said watercraft-supporting assembly (10) having one end called a water end (right side of Figs. 1-3) and the other end called a shore end (left side of Figs. 1-3),

(ii) a water end support assembly having a transverse footprint brace (23) mounted to the underside of said rails (11) at a location proximate to said water end (right side of Figs. 1-3),

(iii) a shore end support assembly having a transverse footprint stabilizer bar (24) for resting on the earth of a shore (see left side of Fig. 2), said stabilizer bar (24) being rigidly mounted to the underside of said rails (11) at a location proximate to said shore end in a manner such that said mounting is inward from the outer ends of said stabilizer bar (24), said transverse stabilizer bar (24) being such that it has a greater transverse length than the lateral spacing distance between said rails (11) so that said transverse stabilizer bar (24) extends laterally outward from said watercraft-supporting assembly, and

(iv) a loading assembly (29, 30, 31) for drawing a watercraft (19) onto said watercraft-supporting assembly (10).

With respect to Applicant's newly added recitation of "a pair of rails . . . on which the stress of a watercraft moved onto the ramp is distributed" in lines 3-4 of claim 1, the examiner notes that while the stress of watercraft (19) may initially be placed on the keel rollers (15) and guide rollers (18) of Graf, the stress is eventually translated to rails (11) by virtue of the rigid connection between keel rollers (15), bolts (14), lateral supports (16), and braces (17).

With respect to Applicant's newly added recitation of a transverse footprint stabilizer bar "for resting on the earth of a shore" in line 13 of claim 1, the examiner notes that the ends of stabilizer bars (24) do rest on the earth of the shore and as broadly claimed, the language is met.

With respect to Applicant's recitation of "said stabilizer bar being rigidly mounted to the underside of the rails" in lines 14-15 of claim 1, the examiner notes that as broadly claimed Graf's stabilizer bar (24) can be considered to be rigidly mounted to the bottom of rails (11) because even though the stabilizer bar (24) may be pivoted, it is not removable from its attachment to the bottom of the rails (11) and therefore, reads on the "rigidly mounted" claim language.

With respect to Applicant's newly added recitation of "so that said transverse stabilizer bar extends laterally outward from said watercraft-supporting assembly" in lines 19-20 of claim 1, the examiner notes that stabilizer bars (24) do extend in a

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laterally outward direction from the rail section (11, 12) of the watercraft-supporting assembly (10) and as broadly claimed, the language is met.

Graf fails to explicitly disclose that the rails (11) are spaced at least 8 inches apart from each other. However, it is well recognized that where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions (e.g., size, weight, thickness, etc.) would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device (*Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984)).

Therefore, since the examiner believes that Applicants' claimed watercraft ramp having rails which are separated at least 8 inches apart from each other would not perform differently than a prior art device having the same at least 8 inch spaced apart rails, Applicants' claimed watercraft ramp is not deemed to patentably distinguish over Graf (i.e., the rails being separated at least 8 inches apart from each other would have been obvious). In addition, the criticality of such dimensions are lacking in the specification. Such phrases as "should always be at least about 8 or 9 inches and may be as great as up to about 2 feet" (specification, page 10, lines 10-11) are used, but no reason is given for why these dimensions are necessary.

As to claim 7, Graf discloses a watercraft ramp comprising:

(i) a watercraft-supporting assembly (10) having a pair of rails (11) of substantial equal length on which the stress of a watercraft (19) moved onto the ramp is distributed,

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said rails (11) being braced in parallel laterally spaced-apart relationship by cross braces (14, 15) so that said rails (11) are separated from each other, said watercraft-supporting assembly (10) having one end called a water end (right side of Figs. 1-3) and the other end called a shore end (left side of Figs. 1-3),

(ii) a shore end support assembly having a transverse footprint stabilizer bar (24) for resting on the earth of a shore, said stabilizer bar (24) being mounted in rigid relationship to the underside of said rails (11) at a location proximate to said shore end (left side of Figs. 1-3) in a manner such that said mounting is inward from the outer ends of said stabilizer bar (24), said transverse stabilizer bar (24) being such that it has a greater transverse length than the lateral spacing distance between said rails (11) so that said transverse stabilizer bar (24) extends laterally outward from said watercraft-supporting assembly, and

(iii) a loading assembly (29, 30, 31) at said shore end (left side of Figs. 1-3) for drawing a watercraft (19) onto said watercraft-supporting assembly (10).

With respect to Applicant's newly added recitation of "a pair of rails . . . on which the stress of a watercraft moved onto the ramp is distributed" in lines 3-4 of claim 7, the examiner notes that while the stress of watercraft (19) may initially be placed on the keel rollers (15) and guide rollers (18) of Graf, the stress is eventually translated to rails (11) by virtue of the rigid connection between keel rollers (15), bolts (14), lateral supports (16), and braces (17).

With respect to Applicant's newly added recitation of a transverse footprint stabilizer bar "for resting on the earth of a shore" in lines 12-13 of claim 7, the examiner

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notes that the ends of stabilizer bars (24) do rest on the earth of the shore and as broadly claimed, the language is met.

With respect to Applicant's recitation of "said stabilizer bar being mounted in rigid relationship to the underside of said rails" in lines 13-14 of claim 7, the examiner notes that as broadly claimed Graf's stabilizer bar (24) can be considered to be mounted in rigid relationship to the bottom of rails (11) because even though the stabilizer bar (24) may be pivoted, it is not removable from its attachment to the bottom of the rails (11) and therefore, reads on the "mounted in rigid relationship" claim language.

With respect to Applicant's newly added recitation of "so that said transverse stabilizer bar extends laterally outward from said watercraft-supporting assembly" in lines 19-21 of claim 7, the examiner notes that stabilizer bars (24) do extend in a laterally outward direction from the rail section (11, 12) of the watercraft-supporting assembly (10) and as broadly claimed, the language is met.

Graf fails to explicitly disclose that the rails are spaced at least 8 inches apart from each other and that the rails have a length of at least about 7 feet. However, it is well recognized that where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions (e.g., size, weight, thickness, etc.) would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device (*Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984)).

Therefore, since the examiner believes that Applicants' claimed watercraft ramp having rails which are separated at least 8 inches apart from each other and which have a length of at least 7 feet would not perform differently than Graf as modified to have the same claimed structure, Applicants' claimed watercraft ramp is not deemed to patentably distinguish over Graf (i.e., the rails being separated at least 8 inches apart from each other and at least 7 feet in length would have been obvious depending on the size of the boat to be loaded onto the ramp). In addition, the criticality of such dimensions are lacking in the specification. Such phrases as "should always be at least about 8 or 9 inches and may be as great as up to about 2 feet" (specification, page 10, lines 10-11) are used, but no reason is given for why these dimensions are necessary.

As to claim 8, Graf does not explicitly disclose that the transverse stabilizer bar (24) has a transverse length greater than 2 feet. However, in view of *Gardner* as applied in claim 1 above, since the examiner believes that Applicants' claimed watercraft ramp having a transverse stabilizer bar with a transverse length greater than 2 feet would not perform differently than Graf as modified to have the same claimed structure, Applicants' claimed watercraft ramp is not deemed to patentably distinguish over Graf (i.e., the transverse stabilizer bar having a transverse length greater than 2 feet would have been obvious depending upon the size of the boat being loaded onto the ramp).

As to claim 10, Graf discloses that the loading assembly (29, 30, 31) includes a winch support beam (unnumbered structure attached to winch 29) non-pivotably

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mounted at said shore end (left side of Figs. 1-3) in an upward angular relationship to the length of said rails (11).

As to claim 11, Graf discloses that the loading assembly (29, 30, 31) comprises a winch (29).

Claims 2-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf, as applied to claims 1, 7, 8, 10, and 11 above, and further in view of Hamlett.

As to claim 2, Graf discloses the watercraft ramp of claim 1 as discussed above and Graf also discloses that said water end of each said rail (11) is equipped with a roller wheel (18) so mounted that a portion of the circumference of each said water end roller wheel (1) projects upward above the top of the rails on the water end side of the watercraft ramp assembly.

Graf fails to show that the circumference of a roller wheel (18) extends outwardly beyond the back end of the rails (11) on the water end side of the watercraft ramp assembly.

Hamlett (see Figs. 2 and 3) discloses a watercraft ramp assembly (10) wherein the rails (14/26) have wheels (24) which stick out both above the top surface of the rail (14/26) and outwardly behind the rear surface of the rail (14/26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp assembly of Graf so as to make the roller wheels stick out behind the end of the rails on the water side end as taught by Hamlett in order for there to be an immediate guiding soft rubber surface of the wheel to

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first contact the boat rather than the hard surface of the rail first contacting and possibly damaging the boat.

As to claim 3, Hamlett (see Figs. 2 and 3) discloses that the distance between the underside of said rails (14/26) and the underside of said transverse footprint brace (20) at said water end is less than the distance between the underside of said rails (14/26) and the top of said roller wheels (24) at said water end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf so as to have a lesser distance between the undersides of the rails and the water end transverse footprint brace than the distance between the underside of the rails and the top of the water end roller wheels as taught by Hamlett in order for the roller wheels to protrude a sufficient distance from the top surface of the rails so that the relatively soft surface of the wheels touches the outer periphery of the boat and keeps the outer periphery of the boat away from the hard surface of the rails to prevent scratching of or damage to the boat's outer periphery.

As to claim 4, Hamlett (sees Figs. 2 and 3) discloses that the distance between the underside of said rails (14/26) and the underside of the transverse footprint brace (20) of said water end is less than the distance between the underside of said rails (14/26) and the underside of said transverse footprint stabilizer bar (11) of said shore end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by making the distance

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between the undersides of the rails and the transverse footprint brace at the water end less than the distance between the undersides of the rails and the transverse footprint stabilizer bar at the shore end as taught by Hamlett in order for the rails to be slightly inclined upwardly from water end to shore end so as to use gravity to make it easier to load and unload the boat from the ramp.

As to claim 5, Hamlett (see Fig. 3) discloses a keel roller (22) mounted on the footprint brace (20) at a central location between the rails (14/26) so that at least a portion of the circumference of the keel roller (22) projects above the footprint brace (20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by including a keel roller mounted on the footprint brace at a central location between the rails so that at least a portion of the circumference of the keel roller projects above the footprint brace as taught by Hamlett in order to provide the relatively soft surface of the keel roller as being the first thing the outer periphery of the boat touches to protect the boat's outer surface from being scratched or otherwise damaged.

As to claim 6, Graf discloses the watercraft ramp of claim 1 as discussed above and Graf also discloses that the loading assembly (29, 30, 31) includes a winch support beam (unnumbered structure on which winch 29 is mounted) non-pivotally mounted at said shore end (left side of Figs. 1-3) so as to cantilever in an angular relationship to the length of said rails (11).

Graf is considered to disclose a cantilevered winch support beam since according to Merriam-Webster's Collegiate Dictionary (Tenth Edition, Copyright 1997) the word cantilever means "a projecting beam or member supported at only one end." However, Graf fails to disclose a winch support beam which cantilevers out beyond the shore end of the rails.

Hamlett discloses a winch support beam (Fig. 2, structure connected to winch 80) which cantilevers out beyond the shore end of the rails (14/26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by making the winch support beam be mounted in a cantilevered fashion so as to extend outwardly beyond the shore end of the rails as taught by Hamlett in order to extend the length of the watercraft ramp so as to be able to accommodate longer boats.

As to claim 14, Hamlett discloses that each said rail (14/26) of said watercraft-supporting assembly (10) additionally includes a plurality of hull-supporting roller wheels (24) in spaced condition along the length thereof.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by including hull-supporting roller wheels in spaced condition along the length of each of the rails as taught by Hamlett in order to provide a more stable base on which the bottom periphery of a watercraft is supported while being loaded onto and unloaded from a watercraft ramp.

Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf, as applied to claim 7 and 8 above, and further in view of Schwitters.

As to claim 9, Graf discloses the watercraft ramp of claims 7 and 8 as discussed above, but Graf fails to disclose stub elevational means at the location of the mounting of said stabilizer bar to the underside of each said rail to thereby elevate the stabilizer bar.

Schwitters (see Fig. 2) discloses stub elevational means (26) at the location of the mounting of said stabilizer bar (unnumbered flat-bottomed structure beneath 26) to the underside of each said rail (24, 28) to thereby elevate the stabilizer bar (unnumbered flat-bottomed structure beneath 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by including a stub elevational means at the location of the mounting of the stabilizer bar to the underside of each of the rails to thereby elevate the stabilizer bar as taught by Schwitters in order to incline the watercraft ramp and thus use the aid of gravity in loading and unloading of the watercraft from the ramp.

As to claim 13, Graf in view of Schwitters discloses the watercraft ramp of claims 7-9 as discussed above, but Graf in view of Schwitters does not explicitly disclose that each stub elevational means provides no more elevation than 6 inches between the stabilizer bar and the underside of said rails. However, in view of *Gardner* as applied in claim 1 above, since the examiner believes that Applicants' claimed watercraft ramp having stub elevational means which provide no more elevation than 6 inches between

the stabilizer bar and the underside of the rails would not perform differently than Graf as modified by Schwitters, Applicants' claimed watercraft ramp is not deemed to patentably distinguish over Graf as modified by Schwitters (i.e., the stub elevational means providing no more than 6 inches between the stabilizer bar and the underside of the rails would have been obvious).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graf, as applied to claims 7 and 11 above, and further in view of VE-VE boat ramp sales sheet showing three models (Applicant submitted prior art entitled Document No. 4-2 on Information Disclosure Statement (IDS) filed in parent application U.S. Patent Application Serial Number 10/113,961 (now U.S. Patent No. 6,637,975) on March 29, 2002).

As to claim 12, Graf discloses that the loading assembly (29, 30, 31) additionally comprises a support beam (unnumbered structure attached to winch 29) mounted rigidly to said transverse stabilizer bar.

VE-VE boat ramp sales sheet showing three models discloses three models of watercraft ramps each having a loading assembly with a support beam mounted rigidly to the transverse stabilizer bar.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the watercraft ramp of Graf by rigidly mounting the winch support beam of the loading assembly to the transverse stabilizer bar as taught by VE-VE boat ramp sales sheet showing three models in order to lower the center of gravity

of the connection of the support beam to the watercraft structure and thereby prevent the watercraft ramp structure from easily tipping over.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

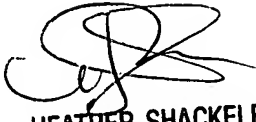
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571)-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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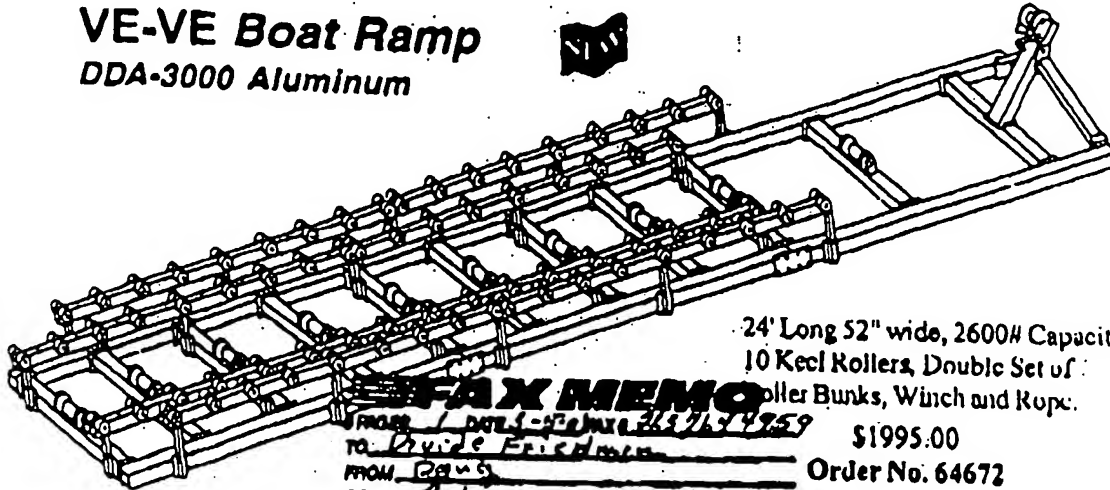
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

^{GRS}
Gay Ann Spahn, Patent Examiner
April 21, 2005


HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

VE-VE Boat Ramp

DDA-3000 Aluminum



24' Long 52" wide, 2600H Capacity,
10 Keel Rollers, Double Set of
Roller Bunks, Winch and Rope.

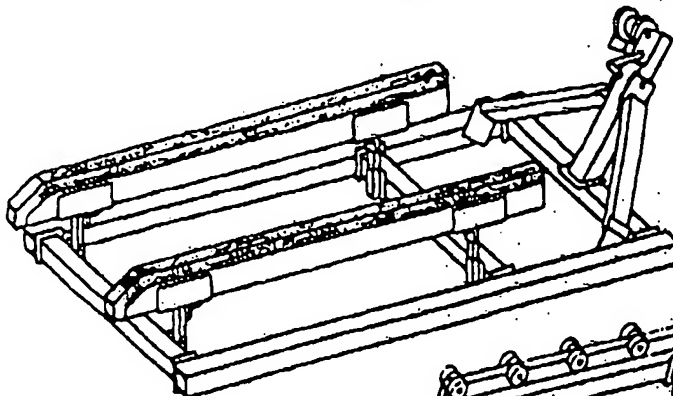
FAX MEMO
FROM: DATE: 3-25-01 FAX: 1320274
TO: DAVE FRIEDMAN
FROM: DDA-3
CO: R-1
PH: 320 274 6672 FAX: 320 274 6066

\$1995.00

Order No. 64672

Model	Description	Retail	Order No.
BRA-30	Extra 8' Ramp Section	\$895.00	64771
BR-20	Support Kit, (Does Not Include Pipe)	39.00	64770
BRA-65	Aluminum Cross Tube w/Keel Roller	58.50	64780
BR-26	Ramp Anchoring Kit	68.95	64755
BR-27	Electric Winch Mounting Plate	34.95	64757

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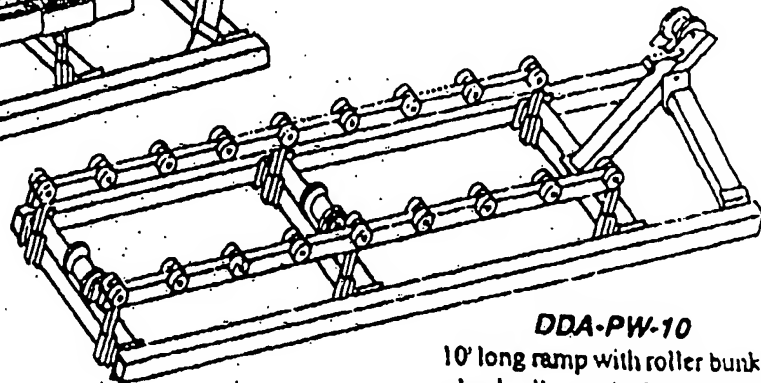


DDA-PW-8

8' long ramp with 6' wood bunks
complete with winch and rope.

\$399.00

Order No. 64662



DDA-PW-10

10' long ramp with roller bunks,
keel rollers, winch and rope.

\$595.00

Order No. 64664

Model	Description	Ship Wt.	Retail	Order No.
BRA-15	Extra 8' Ramp Section for DDA-PW-10	75#	\$439.00	64768
BR-20	Support Kit, (Does Not Include Pipe)	10#	39.00	64770
BRA-60	Aluminum Cross Tube with Keel Roller	8#	52.00	64777

VE-VE boat ramp sales sheet showing three models

BEST AVAILABLE COPY

Document # 4-2